

## Message Text

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FM SECSTATE WASHDC

TO USDEL RIYADH IMMEDIATE

C O N F I D E N T I A L STATE 095789

TOSEC 428

FOLLOWING STATE 95789 SENT JERUSALEM 9 MAY RPT TO YOU QTE

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TOSEC 428 , ZFF JERUSELEM ONLY

SECRETARY'S PARTY FOR SISCO, ATHERTON AND MAW

E.O. 11652: GDS

TAGS: EG, UK, PFOR, MARR, EAID

SUBJECT: SUEZ CANAL CLEARANCE AGREEMENT

REFS: (A) STATE 91848; (B) CAIRO 2831; (C) CAIRO 2649;  
(D) STATE 71363

1. FOLLOWING PARAS CONTAIN INSTRUCTIONS FOR CAIRO WHICH SHOULD NOT RPT NOT BE CARRIED OUT UNTIL CONCURRENCE RECEIVED FROM UNDER SECRETARY SISCO. REFTELS BEING REPEATED FOR SECRETARY'S PARTY.

2. AS INDICATED REF (A), PRIMARY USG GOAL IS TO OBTAIN CLEARLY BINDING AGREEMENT, AND WE HAD HOPED TO CLARIFY SEVERAL POINTS OF SUBSTANCE IN THE PROCESS. YOUR SUGGESTED APPROACH (REF B) WOULD, IF SUCCESSFUL, MEET THE PRIMARY  
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OBJECTIVE AND, WITH MINOR MODIFICATION, WILL ENABLE US TO

EFFECT TWO SUBSTANTIVE CLARIFICATIONS CONSIDERED NECESSARY HERE.

3. ACCORDINGLY, IN LIEU OF APPROACH REQUESTED REF A, YOU MAY REQUEST THAT FAHMY WITHDRAW HIS APRIL 25 NOTE (REF C) AND REPLACE IT WITH NEW NOTE CONFIRMING ACCEPTABILITY OF PROPOSAL SET FORTH IN YOURS OF APRIL 13 (REF D) AS MODIFIED BY HIS RESPONSE. TO MAKE THIS APPROACH ACCEPTABLE,

HOWEVER, THREE ADDITIONAL MODIFICATIONS SHOULD BE MADE IN LANGUAGE OF FAHMY'S REPLY:

(A) IF PARA 2 OF FAHMY'S NOTE (REF C) WERE TO BEGIN WITH "CONCERNING THAT PART OF PARAGRAPH 4 OF YOUR NOTE WHICH RELATES TO WAIVER OF CERTAIN CLAIMS," WE WOULD HAVE SUFFICIENT CONFIDENCE THAT THE INDEMNIFICATION PROVISION REMAINS UNAFFECTED.

(B) WHATEVER INFORMAL ARRANGEMENTS MAY NOW BE IN EFFECT, DEFENSE FEELS VERY STRONGLY THAT WE MUST NOT ACCEPT REQUIREMENT OF PRIOR AUTHORIZATION FOR DEPARTURE OF WARSHIPS FROM FOREIGN PORTS AND TERRITORIAL SEAS. ACCORDINGLY, PARA 3(A) OF FAHMY'S NOTE SHOULD READ "PRIOR AUTHORIZATION IS NECESSARY FOR ENTRY OF AIRCRAFT AND VESSELS ASSIGNED TO OR SUPPORTING THE FORCE AND FOR DEPARTURE OF SUCH AIRCRAFT, AND REASONABLE NOTIFICATION SHALL BE GIVEN PRIOR TO DEPARTURE OF SUCH VESSELS, TO AND FROM PORTS, AIRFIELDS AND EGYPTIAN TERRITORIAL WATERS.

(C) BECAUSE INTERROGATION OF USG PERSONNEL BY FOREIGN GOVERNMENTS IS ESPECIALLY SENSITIVE ISSUE, WE WOULD REQUEST ADDITION OF PHRASE "IN THE PRESENCE OF A REPRESENTATIVE OF THE UNITED STATES GOVERNMENT" AT THE END OF PARA 4B OF FAHMY'S NOTE.

4. IN ORDER TO INDICATE A CLEAR MEETING OF THE MINDS ON TERMS OF THE AGREEMENT, WE CONSIDER IT HIGHLY PREFERABLE THAT LAST NOTE IN SERIES CONTAIN SIMPLE CONFIRMATION OF AGREEMENT WITHOUT ADDITIONAL QUALIFICATIONS OR UNDERSTANDINGS. ACCORDINGLY, WE WOULD LIKE FAHMY'S NOTE TO CONFIDENTIAL

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CONFIRM ACCEPTABILITY TO GOE OF PROPOSAL SET FORTH IN YOUR NOTE OF APRIL 13, AS QUALIFIED AND AMENDED BY HIS REVISED NOTE, AND TO REQUEST YOUR CONCURRENCE. YOUR NOTE IN RESPONSE WOULD THEN BE SIMPLE CONFIRMATION OF ACCEPTANCE.

5. THE REMAINING POINTS RAISED IN OUR NOTE CONTAINED PARA 3, REF A ARE STILL CONSIDERED IMPORTANT, AND WE

WOULD PROPOSE TO HAVE OUR UNDERSTANDINGS ON THOSE MATTERS  
CONFIRMED BY WAY OF "SUPPLEMENTARY ARRANGEMENTS" UNDER  
PARA 9 OF YOUR APRIL 13 NOTE AFTER AGREEMENT CONCLUDED.

6. WE ARE CONCERNED THAT GOE'S RESISTANCE TO FORMALIZED  
UNDERSTANDINGS MAY BECOME CONTINUING FUTURE PROBLEM.  
THEREFORE, IN CONNECTION WITH REQUEST FOR NEW NOTE FROM  
FAHMY, WE ASK THAT YOU EXPLAIN TO HIM IN SOME DETAIL THE  
REASONS BEHIND OUR NEED FOR WRITTEN UNDERSTANDINGS ON THESE  
MATTERS:

(A) WHILE WE APPRECIATE GOE INTEREST IN MINIMIZING  
BUREAUCRATIC AND OTHER DOMESTIC COMPLICATIONS IN ARRANGING  
FOR CANAL CLEARANCE ASSISTANCE, WE CONSIDER IT EXTREMELY  
IMPORTANT THAT NEW US-EGYPTIAN RELATIONSHIP BE BASED ON  
FIRMEST POSSIBLE FOUNDATION OF MUTUAL EXPECTATIONS AND  
UNDERSTANDINGS. WE ARE PARTICULARLY DETERMINED TO AVOID  
SITUATION IN WHICH MISUNDERSTANDINGS MIGHT ARISE AS A  
RESULT OF FAILURE TO SET OUT IN CLEAR AND EXPLICIT MANNER  
THE MOST IMPORTANT ASSUMPTIONS, TERMS AND CONDITIONS ON  
WHICH WE ARE PROVIDING, AND GOE IS ACCEPTING, THIS ASSIST-  
ANCE. A DISPUTE ARISING FROM SUCH A MISUNDERSTANDING  
COULD SERIOUSLY, AND NEEDLESSLY, IMPAIR THE CONTINUED  
DEVELOPMENT OF OUR NEW RELATIONSHIP. SHORT-TERM CONVEN-  
IENCE OF MORE "INFORMAL" APPROACH IS NOT WORTH THIS RISK.

(B) US ASSISTANCE IN CLEARANCE OF THE CANAL IS MATTER  
OF PARTICULAR INTEREST TO CONGRESS ON AT LEAST TWO  
GROUNDS. FIRST, IT INVOLVES THE EXPENDITURE OF SUB-  
STANTIAL AMOUNTS OF PUBLIC FUNDS. THE CONGRESS EXPECTS  
TRANSACTIONS OF THIS SORT TO BE HANDLED ON A CAREFUL,  
BUSINESSLIKE BASIS. SECOND, IT INVOLVES THE PRESENCE OF  
AMERICAN SERVICEMEN IN THE TERRITORY OF ANOTHER COUNTRY.  
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CONGRESS HAS ALWAYS ATTACHED GREAT IMPORTANCE TO ENSURING  
THAT OUR MILITARY PERSONNEL ENJOY CERTAIN BASIC LEGAL  
SAFEGUARDS WITH RESPECT TO SUCH MATTERS AS THE EXERCISE  
OF LOCAL JURISDICTION. FOR BOTH OF THESE REASONS, IT  
WILL BE IMPORTANT THAT WE BE ABLE TO DEMONSTRATE TO  
CONGRESS THAT OUR ASSISTANCE IN THE CANAL CLEARANCE PRO-  
JECT IS BEING CARRIED OUT WITHIN A CLEAR LEGAL FRAMEWORK.  
THIS TAKES ON ADDED IMPORTANCE IN LIGHT OF THE FACT THAT  
WE ARE ASKING CONGRESS FOR LARGE SUMS IN FY 1975 TO MEET  
EGYPTIAN REQUESTS FOR ASSISTANCE. CONGRESS IS LIKELY TO  
TAKE A CLOSE LOOK AT THE CANAL CLEARANCE PROJECT WH  
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